

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MOISES ESCOBEDO,)	CASE NO. 4:11CV401
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	
)	MEMORANDUM OF OPINION
)	AND ORDER
SHAYLA ANN GAONA,)	
)	
RESPONDENT.)	

On February 24, 2011, petitioner *pro se* Moises Escobedo filed the above-captioned habeas corpus action under 28 U.S.C. § 2241. Escobedo seeks to establish he is the father of Solana Rose Gaona, daughter of respondent, Shayla Ann Gaona.

Habeas corpus petitions brought pursuant to 28 U.S.C. § 2241 address the execution of a prison sentence. *Capaldi v. Pontesso*, 135 F.3d 1122, 1123 (6th Cir. 1998) (citing *United States v. Jalili*, 925 F.2d 889, 893 (6th Cir. 1991)). Nothing in the petition indicates this is Escobedo's purpose, and he expressly states that this action has “nothing to do with [his] sentence/conviction.” (Doc. 1 at 2.) This action must therefore be dismissed.

Based on the foregoing, this case is dismissed without prejudice to any valid paternity claim petitioner may bring in state court. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: April 7, 2011



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE